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By: **Prince George's County Delegation**  
Introduced and read first time: February 5, 2003  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Public School Facilities - Surcharge Increase**  
3 **PG 414-03**

4 FOR the purpose of altering the amount of the public school facilities surcharge for  
5 Prince George's County; authorizing certain municipal corporations in Prince  
6 George's County to impose a public school facilities surcharge under certain  
7 circumstances; and generally relating to the public school facilities surcharge in  
8 Prince George's County.

9 BY repealing and reenacting, with amendments,  
10 The Public Local Laws of Prince George's County  
11 Section 10-192.01  
12 Article 17 - Prince George's County  
13 (1999 Edition and 2001 Supplement, as amended)  
14 (As enacted by Chapter 254 of the Acts of the General Assembly of 2002)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 17 - Prince George's County**

18 10-192.01.

19 (a) (1) The County Council, by ordinance, shall impose a school facilities  
20 surcharge on new residential construction for which a building permit is [applied for]  
21 ISSUED on or after [July 1, 2000] JULY 1, 2003.

22 (2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS  
23 PARAGRAPH, A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY WITH  
24 ZONING AUTHORITY AND THE AUTHORITY TO ISSUE BUILDING PERMITS MAY  
25 IMPOSE A SCHOOL FACILITIES SURCHARGE ON A NEW RESIDENTIAL CONSTRUCTION  
26 FOR WHICH A BUILDING PERMIT IS ISSUED ON OR AFTER JULY 1, 2003.

1 (II) A MUNICIPAL CORPORATION IN PRINCE GEORGE'S COUNTY  
2 MAY NOT IMPOSE A SCHOOL FACILITIES SURCHARGE ON A NEW RESIDENTIAL  
3 CONSTRUCTION FOR WHICH A BUILDING PERMIT IS ISSUED IF PRINCE GEORGE'S  
4 COUNTY HAS COLLECTED A SURCHARGE FOR THE SAME NEW RESIDENTIAL  
5 CONSTRUCTION.

6 (b) (1) (I) A school facilities surcharge imposed on a single-family  
7 detached dwelling, townhouse, or dwelling unit for any other building containing  
8 more than a single dwelling unit shall be in the amount of [\$5,000] \$10,000 FOR  
9 FISCAL YEAR 2004.

10 (II) FOR FISCAL YEAR 2005 AND EACH SUCCEEDING FISCAL YEAR,  
11 THE FACILITIES SURCHARGE ESTABLISHED IN SUBPARAGRAPH (I) OF THIS  
12 PARAGRAPH SHALL BE ADJUSTED FOR INFLATION IN ACCORDANCE WITH THE  
13 CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED  
14 STATES DEPARTMENT OF LABOR, FOR THE FISCAL YEAR PRECEDING THE YEAR FOR  
15 WHICH THE AMOUNT IS BEING CALCULATED.

16 (2) The school facilities surcharge does not apply to a mixed retirement  
17 development or elderly housing.

18 (3) The school facilities surcharge does not apply to a single-family  
19 detached dwelling that is to be built or subcontracted by an individual owner in a  
20 minor subdivision and that is intended to be used as the owner's personal residence.

21 (4) The school facilities surcharge does not apply to multi-family  
22 housing designated as student housing within 1.5 miles of the University of  
23 Maryland, College Park campus. If the housing is converted from student housing to  
24 multi-family housing for the general population, the owner of the property shall pay,  
25 at the time of the conversion, the school facilities surcharge in accordance with the  
26 laws at the time of the conversion.

27 (c) The school facilities surcharge shall be paid by the seller at the time a  
28 building permit is issued for the dwelling unit. The school facilities surcharge may not  
29 be construed to be a settlement cost.

30 (d) Payment of the school facilities surcharge does not eliminate any authority  
31 to apply any test concerning the adequacy of school facilities under the County's  
32 adequate public facility ordinance.

33 (e) Revenue collected under the school facilities surcharge shall be deposited  
34 in a separate account and may only be used to pay for:

35 (1) Additional or expanded public school facilities SUCH AS  
36 RENOVATIONS TO EXISTING SCHOOL BUILDINGS OR OTHER SYSTEMIC CHANGES; or

37 (2) Debt service on bonds issued for additional or expanded public school  
38 facilities OR NEW SCHOOL CONSTRUCTION.

1 (f) Revenue collected under the school facilities surcharge is intended to  
2 supplement funding for public school facilities and may not supplant other County or  
3 State funding for school construction.

4 (g) The County Executive of Prince George's County shall prepare an annual  
5 report on the school facilities surcharge on or before August 31 of each year for the  
6 County Council of Prince George's County, the Prince George's County Senate  
7 Delegation, and the Prince George's County House Delegation, to include:

8 (1) a detailed description of how fees were expended; and

9 (2) the amount of fees collected.

10 (h) This Section does not apply to any property located in an infrastructure  
11 finance district approved before January 1, 2000.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2003.